

FILED

NOV 14 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TERRY MALONE,
Plaintiff,
v.
DEPUTY HORTON,
Defendant.

No. C 07-03940 CW (PR)
ORDER OF DISMISSAL WITHOUT
PREJUDICE

Plaintiff, a state prisoner, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On the same day the action was filed the Clerk of the Court sent a notice to Plaintiff, informing him that his action could not go forward until he paid the filing fee or filed a completed prisoner's in forma pauperis application. The Clerk sent Plaintiff a blank in forma pauperis application and told him that he must pay the fee or return the completed application within thirty days or his action would be dismissed. More than thirty days have passed and Plaintiff has not paid the filing fee, returned the in forma pauperis application or otherwise communicated with the Court.

Accordingly, this action is DISMISSED WITHOUT PREJUDICE. The Clerk of the Court shall close the file. No filing fee is due.

IT IS SO ORDERED.

Dated: November 14, 2007


CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TERRY MALONE,

Plaintiff,

v.

HORTON et al,

Defendant.

Case Number: CV07-03940 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 20, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Terry Malone 1128681
San Mateo County Jail
300 Bradford Street
Redwood City, CA 94063

Dated: November 20, 2007

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk